

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2012-044)
)
State Ethics Commission,)
Complainant;)
)
vs.) **DECISION AND ORDER**
)
William P. Alexander,)
Respondent.)
_____)

RECEIVED
2012 MAY -2 PM 3:51
STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on November 14, 2011. On January 18, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, William P. Alexander, with one violation of Section 8-13-1110 and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on March 21, 2012 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and JB Holeman. Respondent was not present but was duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, William P. Alexander, a member of the Oolency River Watershed Conservation District, did fail to timely file an annual Statement of Economic Interests form on or before April 15, 2011.

STATEMENT OF FACTS

1. The Respondent, William P. Alexander, is a member of the Oolency River Watershed Conservation District, and he must file an annual Statement of Economic Interests form (SEI) on or before April 15, of each year.

2. Commission Investigator Dan Choate testified that Respondent received letters dated September 6, 2011 and October 7, 2011 telling him to file his SEI and pay his late-filing penalty. Investigator Choate testified that before he had an opportunity to speak to Respondent, Respondent filed his 2011 SEI on November 21, 2011. The outstanding penalty remains at \$2,500.00.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, William P. Alexander, was a public official as defined by Section 8-13-100(27).

2. The State Ethics Commission has personal and subject matter jurisdiction

3. Sections 8-13-1110 and 8-13-1140 provides that certain public officials shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

(2) after notice has been given by certified or registered mail that a re-

quired statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

5. Section 8-13-130 provides:

The State Ethics Commission may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation of the "Ethics, Government Accountability and Campaign Reform Act of 1991".

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent William P. Alexander is in violation of Section 8-13-1110; and therefore, Respondent William P. Alexander is hereby PUBLICLY REPRIMANDED and he is assessed a reduced late-filing penalty of \$250.00 to be paid within 30 days of receipt of the order. If the reduced late-filing penalty of \$250.00 is not paid within 30 days of receipt of the order, then the late-filing penalty will revert to the full amount of \$2,500.00 and an administrative fee of \$500.00 is HEREBY ASSESSED.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$3,000.00 is, and shall be entered against Respondent, if he fails to pay within the time permitted.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$3,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent William P. Alexander has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 29th DAY OF April, 2012.

STATE ETHICS COMMISSION


EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA